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**Qwest** EX PARTE OR LATE FILED

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*Ex Parte*

**RECEIVED**

July 13, 2000

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Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street SW  
Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Re: CC Docket No. 96-98, Implementation of the Local Competition  
Provisions of the Telecommunications Act of 1996.

Dear Ms. Salas:

Jeff Brueggeman and the undersigned representing Qwest Corp. ("Qwest formerly U S WEST Communications, Inc.) met on July 12, 2000 to discuss the unbundled switching requirement and the customer line threshold to determine when unbundled switching should be required, as well as the requirement that ILECs offer the Enhanced Extended Loop ("EEL") as a condition for obtaining relief from the unbundled switching requirement.

On July 12, 2000 Jeff Brueggeman and the undersigned also had a conversation with Jonathon Reel and Christopher Libertelli, Common Carrier Bureau, Policy and Program Planning Division. Attached is the additional information given to the staff regarding Qwest's position on these issues.

Sincerely,

Melissa E. Newman

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## QWEST EX PARTE PRESENTATION

July 11, 2000

On June 12<sup>th</sup> Jeff Brueggeman, Molly Martin, Larry Christensen and the undersigned representing Qwest Corp. ("Qwest" formerly U S WEST Communications, Inc.) met via conference call and in person with staff in the Policy Division to discuss the unbundled switching requirement established in the *UNE Remand Order*. The discussion during that meeting focused on the arbitrary nature of the geographic scope of the unbundled switching requirement and the customer line threshold to determine when unbundled switching should be required, as well as the requirement that ILECs offer the Enhanced Extended Loop ("EEL") as a condition for obtaining relief from the unbundled switching requirement.

The purpose of this ex parte presentation is to provide additional information and/or clarification of the Qwest's position regarding these issues as requested by the Common's staff during the June 12<sup>th</sup> meeting.

### NXX Activation

At the June 12<sup>th</sup> ex parte meeting, Qwest provided data from the Local Exchange Routing Guided ("LERG") regarding the number of NXX codes obtained by CLECs in the 14 states where Qwest operates as an ILEC. During the meeting, the staff asked if Qwest has a way of knowing how many of the codes assigned were actively being used by the CLECs. Once an NXX is listed as effective in the LERG, Qwest ensures its switches are programmed to route traffic with those NXXs to the CLEC switch, however we do not measure the traffic sent to the CLEC switch.

### Customer Line Threshold

Several CLECs that have commented on the customer line threshold for the unbundled switching requirement appear to believe that once a customer exceeds the three-line limit, the CLEC no longer will be able to obtain unbundled switching from Qwest. These CLECs cite customer inconvenience and service interruption as possible consequences of a customer expanding to four or more lines because they assume that they will be forced to change to a different switch provider. This assumption is wrong. *The availability of unbundled switching is not an issue in the case of Qwest, only the price that should be paid for it.* Because Section 271 of the Act requires ILECs to offer unbundled switching, Qwest will continue to make unbundled switching available upon request in all areas, but at a negotiated price rather than at state-ordered UNE prices. As a result, there will be no interruption of service and no requirement to change switch providers where a customer exceeds the four-line threshold – at most there will be a difference in the price of unbundled switching.

## EELs

Qwest continues to maintain there is no legal basis for the Commission to require ILECs to offer EELs as a condition for obtaining relief from the unbundled switching requirement in a particular market. However, if the Commission is intent on maintaining the EELs requirement, then it should at least recognize that the availability of EELs obviates the need to raise the customer line threshold. Because UNE rates for EELs are often half the rates for the comparable tariffed service, CLECs will realize significant cost savings by utilizing EELs in those areas where unbundled switching is not available at UNE rates. Moreover, the availability of EELs allows CLECs to minimize their collocation costs because it eliminates the need to collocate in each end office. Thus, the cost comparisons that have been presented by CLECs such as Birch are significantly overstated by the inclusion of collocation costs on a loop-by-loop basis.

## Hot Cuts

At the June 12<sup>th</sup> meeting, Qwest submitted data documenting the extensive deployment of competitive switches in MSA and non-MSA areas throughout its 14-state territory where it operates as an ILEC. This data rebuts any argument that CLECs are unable to deploy their own switches in most areas. Nevertheless some CLECs have argued that the need to perform line cutovers ("Hot Cuts") for customers served by competitive switches justifies raising the customer line threshold above the current four-line limit. Qwest's data proves otherwise. Specifically, the attached data illustrates that the vast majority of Hot Cut orders are for three lines or fewer. The data is based on Hot Cut orders placed between April 3, 2000 and June 23, 2000 in those Qwest MSAs that are in the Top 100 MSAs in the country.

### Hot Cut Orders

MSA Ranking	City, State	of Order	Total # of Lines	Average lines per Order	% of Total Orders	% of Total Lines
13	<b>Seattle-Tacoma-Bellevue-Everett, WA</b>					
	0-3 lines	536	609	1.1	92%	69%
	4-8 lines	40	219	5.5	7%	25%
	9-16 lines	6	61	10.2	1%	7%
	16+ lines	0	0	0	0%	0%
14	<b>Phoenix-Mesa, AZ</b>					
	0-3 lines	751	973	1.3	93%	75%
	4-8 lines	53	259	4.9	7%	20%
	9-16 lines	6	71	11.8	1%	5%
	16+ lines	0	0	0	0%	0%
16	<b>Minneapolis-St.Paul, MN</b>					
	0-3 lines	986	2383	2.4	66%	37%
	4-8 lines	380	2448	6.4	25%	38%
	9-16 lines	116	1368	11.8	8%	21%
	16+ lines	12	294	24.5	1%	5%
19	<b>Denver-Boulder-Longmont, CO</b>					
	0-3 lines	1196	1570	1.3	90%	68%
	4-8 lines	126	632	5.0	9%	27%
	9-16 lines	9	100	11.1	1%	4%
	16+ lines	1	18	18.0	0%	1%
22	<b>Portland-Salem-Vancouver, OR-WA</b>					
	0-3 lines	449	643	1.4	73%	38%
	4-8 lines	141	734	5.2	23%	44%
	9-16 lines	25	259	10.4	4%	15%
	16+ lines	1	40	40.0	0%	2%
35	<b>Salt Lake City-Ogden, UT</b>					
	0-3 lines	298	317	1.1	96%	77%
	4-8 lines	11	62	5.6	4%	15%
	9-16 lines	1	13	13.0	0%	3%
	16+ lines	1	22	22.0	0%	5%
57	<b>Tucson, AZ</b>					
	0-3 lines	13	19	1.5	59%	21%
	4-8 lines	6	37	6.2	27%	41%
	9-16 lines	3	34	11.3	14%	38%
	16+ lines	0	0	0	0%	0%

Sample Period  
4/3/00-6/23/00

### Hot Cut Orders

MSA Ranking	City, State	of Order	Total # of Lines	Average lines per Order	% of Total Orders	% of Total Lines
61	<b>Omaha, NE-IA</b>					
	0-3 lines	45	109	2.4	68%	43%
	4-8 lines	18	111	6.2	27%	44%
	9-16 lines	3	34	11.3	5%	13%
	16+ lines	0	0	0	0%	0%
62	<b>Albuquerque, NM</b>					
	0-3 lines	103	103	1.0	98%	91%
	4-8 lines	2	10	5.0	2%	9%
	9-16 lines	0	0	0	0%	0%
	16+ lines	0	0	0	0%	0%
80	<b>Colorado Springs, CO</b>					
	0-3 lines	39	79	2.0	100%	100%
	4-8 lines	0	0	0	0%	0%
	9-16 lines	0	0	0	0%	0%
	16+ lines	0	0	0	0%	0%
92	<b>Des Moines, IA</b>					
	0-3 lines	1	1	1.0	100%	100%
	4-8 lines	0	0	0	0%	0%
	9-16 lines	0	0	0	0%	0%
	16+ lines	0	0	0	0%	0%
96	<b>Spokane, WA</b>					
	0-3 lines	17	26	1.5	77%	53%
	4-8 lines	5	23	4.6	23%	47%
	9-16 lines	0	0	0	0%	0%
	16+ lines	0	0	0	0%	0%
100	<b>Boise City, ID</b>					
	0-3 lines	2	2	1.0	100%	100%
	4-8 lines	0	0	0	0%	0%
	9-16 lines	0	0	0	0%	0%
	16+ lines	0	0	0	0%	0%
<b>Total 0-3 lines</b>		<b>4436</b>	<b>6834</b>	<b>1.5</b>	<b>82%</b>	<b>50%</b>
<b>Total 4-8 lines</b>		<b>782</b>	<b>4535</b>	<b>5.8</b>	<b>14%</b>	<b>33%</b>
<b>Total 9-16 lines</b>		<b>169</b>	<b>1940</b>	<b>11.5</b>	<b>3%</b>	<b>14%</b>
<b>Total 16+ lines</b>		<b>15</b>	<b>374</b>	<b>24.9</b>	<b>0%</b>	<b>3%</b>
<b>TOTAL Qwest</b>		<b>5402</b>	<b>13683</b>	<b>2.5</b>		

Sample Period  
4/3/00-6/23/00